



**EPA Office of Prevention, Pesticides, and Toxic Substances**

**How To Comply with the Worker Protection Standard  
for Agricultural Pesticides: What Employers Need to Know  
Unit 6: Owner Exemptions and Crop Advisors**

September 2005

Office of Prevention, Pesticides, and Toxic Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (MC 7506C)  
Washington, D.C. 20460

<http://www.epa.gov/agriculture/htc.html>



# UNIT 6

## OWNER EXEMPTIONS AND CROP ADVISORS

The WPS exempts owners of agricultural establishments from many WPS requirements, and it contains specific protections for crop advisors. This unit describes these owner exemptions and crop advisor provisions.

**Agricultural Owner Exemptions ..... 71**

**Protections for Crop Advisors ..... 74**





## AGRICULTURAL OWNER EXEMPTIONS

Owners of agricultural establishments and members of their immediate family are exempt from many WPS requirements. However, EPA encourages owners to provide themselves and their families with all WPS protections.



**Owner:** Any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by the WPS. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is **not** an owner under the WPS.

### Examples:

You do not qualify for the agricultural owner exemptions if:

1. you have rented out or leased out your farm, forest, nursery, or greenhouse to another person **and** you have no part in the management or profit/loss from it. The person to whom you have rented or leased your property is the “owner” for the purposes of the WPS.
2. you are hired to operate a farm, forest, nursery, or greenhouse, but the person who owns the property makes some of the decisions as to the management of it or shares in the profit/loss from it.

*Immediate family includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.*

The WPS does **not** allow any exemptions for owners of commercial pesticide handling establishments or for persons who operate or manage, but do not own, an agricultural establishment.

Agricultural owners must provide all protections required by the WPS to persons who are **not** members of their immediate family. These persons include:

- workers or handlers who are their employees, and
- persons who clean PPE or repair, clean, or maintain contaminated pesticide handling equipment.

## REQUIREMENTS AGRICULTURAL OWNERS MUST COMPLY WITH

The following requirements and provisions *do* apply to owners of agricultural establishments and to members of their immediate family:

1. Employer information exchange. (p. 26)
2. Restrictions during handling tasks:
  - Use the personal protective equipment and other work attire listed on the pesticide labeling for the task being performed. (pp. 64-65)
  - Exceptions to personal protective equipment. (pp. 66-67)
3. Restrictions during applications:
  - Make sure that each pesticide is applied so that it does not contact, either directly or through drift, anyone (including you and members of your immediate family), except appropriately trained and equipped handlers. (p. 59)
  - Make sure that you, your family members, and all other persons, except correctly trained and equipped handlers, are kept out of areas being treated with pesticides. (pp. 36-37)
  - Make sure that you, your family members, and all other persons, except correctly trained and equipped handlers, are kept out of areas immediately around the area being treated during certain pesticide applications in nurseries and greenhouses. (p. 39-44)
4. Restrictions during restricted-entry intervals: (p. 36-37)
  - When two (or more) pesticides are applied at the same time, and have different REIs, make sure that you and your family members follow the longer restricted-entry interval. (p. 36)
  - No-contact early entry. (p. 37)
  - Short-term, limited-contact, agricultural emergency, or specially excepted early entry (see explanation below). (p. 47)

If agricultural owners or members of their immediate family enter a treated area and contact treated surfaces during a restricted-entry interval, they must:

- Wait at least 4 hours after the pesticide application is completed before entering the treated area, *and*
- Wait at least until any inhalation exposure level listed on the product labeling has been reached or any WPS ventilation criteria have been met, *and*
- Obey the time limitation of 1 hour in 24 hours, if short-term (non-hand-labor) early-entry tasks are being performed or 8 hours in 24 hours, if limited-contact early-entry tasks are being performed, *and*
- Wear the personal protective equipment specified on the pesticide labeling for early-entry tasks, *and*
- Follow any other restrictions specified in any special exception under which the early entry takes place, *and*
- Follow any other restrictions specified in the pesticide labeling for early entry.

## EXEMPTIONS FOR AGRICULTURAL OWNERS

Agricultural owners are ***not*** required to provide themselves or members of their immediate family with the following protections of the WPS:

1. Information at a central location (p. 19)
2. Pesticide safety training (pp. 21-23)
3. Decontamination supplies (pp. 24-25)
4. Emergency assistance (p. 27)
5. Notice about applications (pp. 33-35)
6. Monitoring handlers (p. 59)
7. Specific handling instructions (p. 60)
8. Equipment safety (p. 61)
9. All the specific duties related to the care of PPE and management of its use. (p. 62-63)
10. The following duties related to early entry: (p. 53-56)
  - Training and instructions,
  - Decontamination supplies,
  - Specific duties related to the care of PPE and management of its use.

# PROTECTIONS FOR CROP ADVISORS

## BASIC RESPONSIBILITIES

The WPS requires employers to provide certain protections to their employees who are working as crop advisors.

### **Crop advisor**

Any person who is assessing pest numbers or damage, pesticide distribution, or the status, condition, or requirements of agricultural plants. The term does **not** include any person who is performing hand labor tasks, such as weeding, planting, cultivating, or harvesting. Examples of crop advisors are crop consultants, scouts, and integrated pest management monitors.

### **Independent or commercial crop advisor**

Any person who is working as a crop advisor and is employed (including self-employed) by anyone other than the agricultural establishment on which the work is being done. Such a person may be either certified/licensed or uncertified/unlicensed.

### **Noncommercial crop advisor**

Any person who is working as a crop advisor and is employed directly by the agricultural establishment on which the work is being done. Such a person may be either certified/licensed or uncertified/unlicensed.

### **Certified or licensed crop advisor**

Any person who is certified or licensed as a crop advisor by a program acknowledged, in writing, as appropriate by EPA or a state or tribal lead agency for pesticide enforcement. The certification or licensing program must require pesticide safety training that includes at least all the information specified for WPS pesticide handler training (see p. 21).

### **Direct supervision**

A person is considered to be under a certified/licensed crop advisor's direct supervision (and therefore eligible for crop advisor exceptions) only when the crop advisor has informed the person about all of the following:

- the appropriate personal protective equipment,
- the appropriate decontamination supplies,
- how to conduct the crop advising tasks safely,
- the pesticide products and active ingredient(s) applied,
- the method of application,
- the time of application,
- the restricted-entry interval,
- which crop advisor tasks to undertake, and
- how to contact the certified/licensed crop advisor.

Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.



## DUTIES FOR UNCERTIFIED/UNLICENSED CROP ADVISORS

### Exemption

Certified/licensed crop advisors and persons performing crop advising tasks under their direct supervision are exempt from certain WPS duties and requirements when specific conditions are met. See Certified/Licensed Crop Advisor Exemption on p. 77.

### Required Protections During or Soon After a Pesticide Application

#### 1. Same Protections as Pesticide Handlers

Employers must provide their crop advisors with the WPS protections required for **pesticide handlers** *if* the crop advisor enters an area on an agricultural establishment:

- while a pesticide is being applied,
- before any inhalation exposure level listed in the pesticide labeling has been reached or before one of the ventilation criteria in the WPS or in the pesticide labeling has been reached,
- while a restricted-entry interval is in effect.

#### 2. No Time Limits

Crop advisors may enter an area during a pesticide application or during a restricted-entry interval as long as they are trained as pesticide handlers, are given other pesticide-handler protections (listed below), and are wearing the appropriate personal protective equipment. The restrictions on entry, such as waiting for 4 hours after application is completed or limiting the time spent in the entry-restricted area to 1 hour or any other period, **do not apply** to crop advisors.

#### 3. Required Protections

- Information at a central location (p. 19)

##### Exception

Employers of independent (commercial) crop advisors do **not** have to provide their crop advisors with information at a central location.

- Pesticide safety training for handlers (p. 21)
- Decontamination supplies (p. 24)
- Emergency assistance (p. 27)
- Monitoring handlers (p. 59)

**Note:** After the application is complete, crop advisors entering a treated area during a restricted-entry interval need not be monitored.

- Special instructions for handlers (p. 60)
- Duties related to PPE (p. 62)

#### 4. Personal Protective Equipment During REIs

**Early-Entry PPE for Early Entry “With Contact”:** Crop advisors who enter a treated area during a restricted-entry interval, and whose crop advisor activities involve contact with anything that has been treated with a pesticide, including soil, water, and surfaces of plants, may wear the PPE listed on the pesticide labeling **for early-entry tasks** (instead of the PPE listed for handling tasks), if:

- Application has been completed for at least 4 hours, and
- Any inhalation exposure level listed in the labeling has been reached or any ventilation requirements established by the WPS or pesticide labeling have been met.

Crop advisors may enter treated areas during an application or during a restricted-entry interval if they receive handler-type protections.

See p. 74 for definition of certified/licensed crop advisor.

**No PPE for “No Contact” Early Entry:** Crop advisors who enter a treated area during a restricted-entry interval and whose crop advisor activities do *not* involve contact with anything that has been treated with the pesticide to which the restricted-entry interval applies are not required to wear personal protective equipment.

## Required Protections After the REI

### 1. Independent (Commercial) Crop Advisors

When independent (commercial) crop advisors enter any area on an agricultural establishment where no application is underway and no restricted-entry interval is in effect, their employers need *not* provide them with any WPS protections.

### 2. Noncommercial Crop Advisors

When noncommercial crop advisors (employees of the farm, forest, nursery, or greenhouse) enter any area on the agricultural establishment where no application is underway and no restricted-entry interval is in effect, their employer must provide them with the WPS protections required for **agricultural workers**. For specific information about each of these protections, see the pages referenced below. The protections include:

- Information at a central location (p. 19)
  - certain information (pesticide safety poster, application information, location of emergency facility) must be displayed at a central location whenever (1) the crop advisor is on the agricultural establishment, and (2) a pesticide has recently been applied.
- Pesticide safety training for workers (p. 21)
  - crop advisors must be trained about general pesticide safety before they accumulate 5 days of entry into treated areas on the establishment where, within the past 30 days, a pesticide has been applied or a restricted-entry interval has been in effect.
- Decontamination supplies (p. 24)
  - decontamination supplies for washing off pesticide residues must be provided to any crop advisor who is working an area where a pesticide has recently been applied and who is doing tasks that involve contact with anything that has been treated with the pesticide, including soil, water, or surfaces of plants.
- Emergency assistance (p. 27)
  - Emergency assistance must be provided to the crop advisor if there is reason to believe that the employee has been poisoned or injured by a pesticide used on the agricultural establishment — for example, through application, spills, splashes, drift, or contact with pesticide residues.
- Notice about applications (p. 33)
  - with a few exceptions, the crop advisor must be notified about areas on the agricultural establishment where pesticide applications are taking place or where restricted-entry intervals are in effect.
- Restrictions during and after applications (p. 36)
  - the crop advisor must be protected during pesticide applications and during restricted-entry intervals on the agricultural establishment.

## DUTIES FOR CERTIFIED/LICENSED CROP ADVISORS: CROP ADVISOR EXEMPTION

Certified/licensed crop advisors and persons performing crop advising tasks under their direct supervision are exempt from certain WPS duties and requirements, provided the certified/licensed crop advisors:

- do not enter, or allow persons under their supervision to enter, treated areas until after application is completed, and
- perform, and make sure that persons under their supervision perform, crop advisor tasks only, including assessing pest numbers or damage, checking pesticide distribution, or determining the status, condition, or requirements of agricultural plants, and
- specifically determine the appropriate personal protective equipment, and the appropriate decontamination supplies and how to conduct the crop advising tasks safely, and
- inform each person under their direct supervision – in a language that the person can understand — about the appropriate personal protective equipment, the appropriate decontamination supplies, and how to conduct the crop advising tasks safely, and
- using an established practice of communication, inform each person under their direct supervision about *all* the following:
  - the pesticide product(s) and active ingredient(s) applied,
  - the method of application,
  - the time of application,
  - the restricted entry interval,
  - which crop advisor tasks to undertake,
  - how to contact the certified/licensed crop advisor.

### Requirements for Entry During an Application

The certified/licensed crop advisor exemption does not apply when crop advisors or persons under their direct supervision enter an area before application is completed.

### Required Protections for Entry During an REI

When crop advisors enter into treated areas while a restricted-entry interval is in effect, they are defined in the WPS as pesticide handlers. When all the conditions of the certified/licensed crop advisor exemption are met, **certified/licensed crop advisors and persons under their direct supervision are exempt from the following WPS handler requirements:**

- Decontamination supplies (p. 24)
- Emergency assistance (p. 27)
- Special instructions for handlers (p. 60)

**Note:** Despite this exemption, the WPS does require that any agricultural establishment owner or operator who hires a commercial crop advisor must inform the employer of that advisor about the specific location and description of any areas on the agricultural establishment (1) that may be treated with a pesticide or be under a restricted-entry interval while the commercial crop advisor will be there, *and* (2) that the commercial crop advisor may be in (or walk within 1/4 mile of). The operator must also provide information about restrictions on entering those areas.

- Duties related to PPE (p. 62)

For specific information about each of these protections, see the pages referenced.

However, while a restricted-entry interval is in effect, **employers must provide the following WPS protections to certified/licensed crop advisors and persons under such crop advisors' direct supervision:**

- Information at a central location (p. 19)
  - certain information (pesticide safety poster, application information, location of emergency facility) must be displayed at a central location whenever (1) the crop advisor is on the agricultural establishment, and (2) a pesticide has recently been applied.

#### **Exception**

The requirement above applies only to noncommercial certified/licensed crop advisors (employees of the establishment where they are working). Employers who hire independent (commercial) crop advisors do **not** have to provide those crop advisors with information at a central location.

- Pesticide handler training (p. 21)

#### **Exception**

As a requirement of any approved certification or licensing program, certified/licensed crop advisors have received pesticide safety training equivalent to WPS pesticide handler training. Employers do not need to retrain either commercial or noncommercial certified/licensed crop advisors. However, WPS pesticide handler training IS required for any unlicensed/uncertified crop advisors working under the direct supervision of certified/licensed crop advisors, and they must be retrained at least once every 5 years.

### **REQUIRED PROTECTIONS AFTER THE REI**

#### **1. Independent (Commercial) Crop Advisors**

When certified/licensed independent (commercial) crop advisors enter any area on an agricultural establishment where no application is underway and no restricted-entry interval is in effect, their employers need **not** provide them with any WPS protections.

#### **2. Noncommercial Crop Advisors**

When noncommercial crop advisors (employees of the farm, forest, nursery, or greenhouse) enter any area on the agricultural establishment where no application is underway and no restricted-entry interval is in effect, they are defined in the WPS as agricultural workers. When all the conditions of the certified/licensed crop advisor exemption are met, certified/licensed crop advisors or persons under their direct supervision are exempt from the following WPS agricultural worker requirements:

- Decontamination supplies (p. 24)
- Emergency assistance (p. 27)

However, agricultural employers must provide the following WPS protections to their employees who are certified/licensed crop advisors, or who are persons under such crop advisors' direct supervision, when the employees enter treated areas on the agricultural establishment where no application is underway and when no restricted-entry interval is in effect:

- Information at a central location (p. 19)
  - certain information (pesticide safety poster, application information, location of emergency facility) must be displayed at a central location whenever (1) the crop advisor is on the agricultural establishment, and (2) a pesticide has recently been applied.

- Pesticide safety training and safety information for workers (p. 21)

**Exception**

As a requirement of any approved certification or licensing program, certified/ licensed crop advisors have received pesticide safety training equivalent to WPS pesticide handler training. They need not be retrained. However, uncertified/ unlicensed crop advisors working under the direct supervision of a certified/ licensed crop advisor must receive pesticide safety training and safety information for workers and must be retrained within 5 years.

- Notice about applications. (p. 33)
  - with a few exceptions, the crop advisor must be notified about areas on the agricultural establishment where pesticide applications are taking place or where restricted-entry intervals are in effect.
- Restrictions during and after applications (p. 36)
  - the crop advisor must be protected during pesticide applications and during restricted-entry intervals on the agricultural establishment.

Summary of WPS Requirements for Employers of Crop Advisors												
WPS Provision	Uncertified and Unlicensed Crop Advisor						Certified or Licensed Crop Advisor					
	Noncommercial (Employed Directly by Ag Establishment)			Independent (Commercial)			Noncommercial (Employed Directly by Ag Establishment)			Independent (Commercial)		
	During Application	During REI	After REI Expires	During Application	During REI	After REI Expires	During Application	During REI	After REI Expires	During Application	During REI	After REI Expires
Information at a Central Location	YES	YES	YES	NO	NO	NO	Not applicable	YES	YES	Not applicable	NO	NO
Pesticide Safety Training & Information	YES (handler)	YES (handler)	YES (worker)	YES (handler)	YES (handler)	NO	Not applicable	YES (handler)	YES (worker)	Not applicable	YES (handler)	NO
Decontamination Supplies	YES (handler)	YES (handler)	YES (worker)	YES (handler)	YES (handler)	NO	Not applicable	NO	NO	Not applicable	NO	NO
Emergency Assistance	YES (handler)	YES (handler)	YES (worker)	YES (handler)	YES (handler)	NO	Not applicable	NO	NO	Not applicable	NO	NO
Monitoring Handlers	YES	NO	NO	YES	NO	NO	Not applicable	NO	NO	Not applicable	NO	NO
Special Instructions for Handlers	YES	YES	NO	YES	YES	NO	Not applicable	NO	NO	Not applicable	NO	NO
Duties Related to PPE	YES	YES	NO	YES	YES	NO	Not applicable	NO	NO	Not applicable	NO	NO
Notice About Applications	NO	NO	YES	NO	NO	NO	Not applicable	NO	YES	Not applicable	NO	NO
Restrictions During and After Applications	NO	NO	YES	NO	NO	NO	Not applicable	NO	YES	Not applicable	NO	NO